IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE THIRD DAY OF APRIL

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No.6549 of 2006

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Between:

Illuri Devi w/o. Raju, aged 30 years,

0cc. Sarpanch, Mothukuru, Alamuru Mandal,

East Godavari District & Ors. … Petitioners

Versus

The Principal Secretary,

Panchayat Raj Department,

Govt.of Andhra Pradesh,

Secretariat Buildings,

Hyderabad & Ors. … Respondents

Counsel for the Petitioners: Sri T.V.S. Prabhakar Rao

Counsel for the Respondents: GP for Panchayat Raj &

Rural Development.

O R D E R :

This writ petition is filed seeking to declare the Memo.No.196/PTS-III/A1/2006-1, dated 04-1-2006 issued by the first respondent and the consequential proceedings bearing ROC.No.5007/2005-A4 dated 20-1-2006 issued by the second respondent as illegal, arbitrary, in violation of rules framed under G.O.Ms.No.30, dated 20-1-1995 and consequently set aside the same.

In similar circumstances, assailing the impugned Memo.No.196/PTS-III/A1/2006-1, dated 04-1-2006 issued by the first respondent, some of the affected parties have assailed the impugned proceedings in WP.No.2831 of 2006 and batch and this court after elaborate

arguments considered the issue and disposed of WP.No.2831 of 2006 and batch by an order dated 28-2-2006 holding that the restrictions imposed through the impugned orders dated 04-1-2006, the Government of Andhra Pradesh have already been lifted the restrictions vide orders in Memo.No.3352/Pts.III/A-1/2006-1, Panchayat Raj and Rural Development (Pts.III) Department dated 24-2-2006 and the sarpanchs are entitled to present the cheques without any counter-signature of either the Divisional Panchayat Officer or the Mandal Parishad Development Officer in respect of the funds of the Gram Panchayat.

Since the same proceedings is assailed in this writ petition also by the present petitioners, I deem it appropriate to dispose of this writ petition at the admission stage in terms of the judgment of this court dated 28-2-2006 passed in WP.Nos.2831 of 2006 and batch, which reads as under:

In all these writ petitions various sarpanchs question the memo issued by the Government of Andhra Pradesh, Panchayat Raj Department (PTS-III) Department, dated 04-1-2006 in Memo.No.196/Pts.III/A1/2006-I, as illegal, arbitrary and violative of the rules framed under GO.Ms.No.30, dated 20-1-1995.

The said memo reads as follows:

GOVERNMENT OF ANDHRA PRADESH

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.III) DEPARTMENT

Memo.NO.196/Pts.III/2006-1 Dated:04-01-2006.

Sub: Panchayat Raj Elections-Instructions

Regarding Counter sign of Divisional

Panchayat Officers/Mandal Parishad

Development Officers-on the

Cheques – Regarding.

...

In view of the ensuing Panchayat Raj Elections in the State, all the Collectors are requested to direct all the Divisional Panchayat Officers/Mandal Parishad Development Officers to counter sign on the cheques to be presented by the sarpanches so as to safeguard the funds of the Gram Panchayat.

M. SAMUEL

PRINCIPAL SECRETARY TO GOVERNMENT

To

All the District Collectors in the State.

Copy to:

All the District Panchayat Officers

The P.S. to Hon'ble M (PR).

/// Forwarded by Order ///

Sd/-

SECTION OFFICER.

The learned Government Pleader appearing for the respondent submits that the restrictions imposed in the said memo have been lifted vide orders in Memo.No.3352/Pts.III/A-1/2006-I, dated 24-2-2006 issued by the Government of Andhra Pradesh, Panchayat Raj and Rural Development (Pts.III) Department.

Para no.3 of the said order, reads as follows:

3. In partial modification of the instructions issued in the Memo cited, Government, hereby lift the restriction of insisting on counter signature of Divisional Panchayat Officers/Mandal Parishad Development Officers on the cheques to be presented by the Sarpanches in so far it relates to General Funds of the Gram Panchayats, with immediate effect.

A perusal of the said order goes to show that instructions issued in the Memo.No.196/Pts.III/2006-1, dated 04-1-2006, which is impugned in all these writ petitions insisting upon counter signature of the Divisional Panchayat Officer/Mandal Parishad Development Officers on the cheques to be presented by the sarpanches in respect of General Funds of the Gram Panchayat have been lifted.

The learned counsel for the petitioners submit that as per Memo.No.196/Pts.III/2006-1, dated 04-1-2006, restrictions have been imposed with regard to counter-signature on the cheques only to safe guard the funds of the Gram Panchayat but the orders of the Government dated 24-2-2006 only the Government lifted partial restriction in so far the General Funds of the Gram Panchayat are concerned but not all the Funds of the Gram Panchayat.

The learned Government Pleader for the respondent submits that the memo dated 04-1-2006 in respect of the funds of the Gram Panchayat in so far as the special funds such as SGRY/SFC/EFC there was already restriction to counter sign by the Mandal Parishad Development Officer or Divisional Panchayat Officers or which ever officer is concerned for implementing that scheme and those funds are not exclusively the funds of the Gram Panchayat and therefore the restrictions imposed was only with regard to the funds of the Gram Panchayat and the said restriction which has been lifted is in respect of the said restrictions only.

Having regard to the facts and circumstances, I am of the opinion that the restrictions imposed through the impugned orders dated 04-1-2006, the Government of

Andhra Pradesh have already been lifted the restrictions vide orders in Memo.No.3352/Pts.III/A-1/2006-1, Panchayat Raj and Rural Development (Pts.III) Department dated 24-2-2006 and the sarpaches are entitled to present the cheques without any counter signature of either the Divisional Panchayat Officer or the Mandal Parishad Development Officer in respect of the funds of the Gram Panchayat.

Following the judgment of this court dated 28-2-2006 passed in WP.No.2831 of 2006 and batch, this writ petition is accordingly disposed of at the admission stage. No costs.

APRIL 03rd, 2006. ----------

l s L. V. ESWARAIAH, J.